TO: Andrew Leavitt, Chancellor

FROM: John Koker, Provost and Vice Chancellor

DATE: December 9, 2019

RE: University Staff Complaints Policy and Procedures

On the recommendations of the Faculty Senate, Senate of Academic Staff, University Staff Senate, and Oshkosh Student Association Senate, I am recommending your approval of the University Staff Complaints Policy and Procedures.

I have attached the policy for your review. Please contact me if you have questions regarding the proposal.

JK/eh
Attachment

[Signature]  
[Approval Date: 12/17/2019]
University Staff Complaints Policy

1. PURPOSE

The purpose of this policy is to establish University Staff complaint procedures at all UW Oshkosh campuses. This document communicates the University’s expectations for managing allegations concerning University Staff conduct in violation of UW Oshkosh rules or policies, or adversely affects the University Staff member’s performance or obligation to the university. Complaints may be submitted by other University Staff, faculty, academic staff, administrators, students, or members of the public. UW Oshkosh is committed to establishing and maintaining harmonious working relationships between employees, supervisors and the employees they supervise, and interactions with students and the general public.

Retaliation against individuals who initiate complaints or cooperate with the investigation is contrary to university policy. Retaliatory behavior is itself a form of misconduct that may form the basis for disciplinary action.

2. RESPONSIBLE OFFICER

The Office of Human Resources will maintain this policy. Please contact Human Resources at hroffice@uwosh.edu, (920) 424-1166, or at https://hr.uwosh.edu/.

The Office of the Provost and Vice Chancellor documents approved policies in the Faculty and Staff Handbook at https://www.uwosh.edu/provost/Main%20Highlight/handbooks.

3. SCOPE

If a UW Oshkosh employee (other than the University Staff member’s supervisor), student, or a member of the public believes that they have been inappropriately treated by a University Staff member in such a way that violates UW Oshkosh rules or policies, or which adversely affects the University Staff member’s performance or obligation to the university, an attempt should be made to address the issue directly with the University Staff member or with the University Staff member’s supervisor. If such an approach does not resolve the issue, or is not practical to attempt, the university grievance and complaints processes are available for resolution.

If someone witnesses or has information regarding the commission of a crime, it should be reported directly to the University Police Department. This policy shall not abridge rights protected by the U.S. Constitution or other federal or state laws.

4. BACKGROUND

Chapters UWS 6 and UWS 13 of the Wisconsin Administrative Code require UW System institutions to establish complaint procedures for faculty and academic staff in cases
involving allegations made by persons other than the employee’s supervisor. Effective July 1, 2015, UPS OP: GEN 24 established University Staff complaint procedure guidelines.

5. DEFINITIONS

A. “Complaint” means an allegation by persons other than the University Staff member’s supervisor(s) including administrators, students, faculty, academic staff, University Staff, or members of the public concerning conduct by University Staff members that violates the rules or policies of the University of Wisconsin Oshkosh, or which adversely affects the University Staff member’s performance or obligation to the university.

B. “Complaint procedure” means the process through which a UW Oshkosh employee or a member of the public may allege that a University Staff member has engaged in conduct that violates the rules or policies of the institution, or which adversely affects the University Staff member’s performance or obligation to the university.

C. “Dismissal” means separation from employment for disciplinary or performance reasons.

D. “Hearings Committee” means a complaint review committee established by the UW Oshkosh University Staff Senate as defined in the University Staff Senate Bylaws.

E. “University staff” are members of the university workforce who contribute in a broad array of positions in support of the university’s mission and are not exempt (hourly) from the overtime provisions of the Fair Labor Standards Act (FLSA).

Note: All FLSA exempt employees holding positions in the State of Wisconsin “classified” service as of June 30, 2015 are given the choice to remain in the University Staff for as long as they retain their existing positions, or to voluntarily be reassigned to a position that the institution has designated as either an academic staff or limited appointment position – see UPS Operational Policy #36.

6. POLICY STATEMENT

A. The individual wishing to lodge or file a complaint should put his or her concerns and allegations into writing (Complaint Form is available) and submit them directly to the direct supervisor, department chair or department head of the individual being complained about. In the alternative, such complaints may be submitted to the Office of Human Resources.

B. If the issue involves witnessing or experiencing an act committed against any person, group, or property which discriminates, stereotypes, harasses, or excludes anyone based on a protected characteristic such as gender, race, age or a similar part of their identity, please contact the Office of Equal Opportunity, Equity and Affirmative Action. The Complaint Form is available online at https://equity.uwosh.edu/forms/.

C. Any changes to the related procedures for this policy will be coordinated through HR and the University Staff Senate President outside of the policy approval process.

D. The difference between a Grievance and a Complaint is outlined below:
<table>
<thead>
<tr>
<th>Nature</th>
<th>Grievance</th>
<th>Complaint</th>
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<tbody>
<tr>
<td></td>
<td>alleges unfair treatment or dissatisfaction with aspects of working conditions</td>
<td>objection to perceived misconduct and seeks disciplinary action against another employee</td>
</tr>
<tr>
<td>Focus</td>
<td>relief</td>
<td>sanction; can lead to dismissal from employment for another employee</td>
</tr>
<tr>
<td>Rules</td>
<td>UW Oshkosh University Staff Personnel Rules (Grievances Policy)</td>
<td>UW Oshkosh University Staff Personnel Rules (Complaints Policy)</td>
</tr>
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7. REFERENCES

UW System Operational Policy GEN 24 – Complaint Procedures
UW System Operational Policy WE3 – Workplace Expectations
UWO Workplace Conduct Expectations Policy
UWO University Staff Grievance Policy
UWO University Staff Hearing Committee
UWO USS Bylaws
UWS 18, Wis. Adm. Code – Conduct on UW System Property
University Staff Complaints Procedures

PROCEDURES

UW Oshkosh employees (from any of the campuses and excluding the University Staff member’s supervisor), students, or members of the public are encouraged to attempt to resolve Complaints at the lowest possible level of the organization through open dialogue with those involved. If such an approach does not resolve the issue, or is not practical, the university complaint procedures set forth in this policy are available.

1. Contact the Office of Human Resources within 60 calendar days of the alleged misconduct (this deadline may be extended in the case of extenuating circumstances). The complaint should be made in person, by phone, or in writing. The complainant must demonstrate the existence of misconduct and will be asked to provide the information identified below (a form is available, but not required; Attachment 1):

   A. Explain the nature of the complaint and the specific circumstances
   B. Identify specific witnesses, if applicable, who may provide supporting evidence
   C. Provide complainant contact information (phone, email)
   D. State the specific remedy sought

2. Human Resources will review the complaint, determine a follow-up action, notify the complainant of their plan of action, and explain the next steps of the process. If deemed appropriate, Human Resources will also notify the accused. Follow-up actions can include:

   A. Dismissal of the complaint
   B. Establishing an informal resolution/mediation process
   C. Referring the matter to the Office of Equal Opportunity, Equity and Affirmative Action
   D. Completing an investigation to determine other appropriate steps
   E. Invoking appropriate disciplinary action

3. If the complainant is unsatisfied with Human Resources’ follow-up actions, a formal complaint shall be written, signed, and submitted to the University Staff Senate (USS) within 10 calendar days of Human Resources’ resolution of the complaint. The written complaint should:

   A. Explain the nature of the complaint and identify the rights, procedures, and/or policies violated
   B. Include Human Resources’ follow-up actions and steps taken to resolve the issue
   C. State specific witnesses, if applicable, who may provide supporting evidence
   D. Provide complainant contact information (phone, email)
   E. State the specific remedy sought
4. A USS Hearing Committee shall aim to hold a hearing not more than 45 calendar days from the date in which they received a formal complaint from the complainant. The time limit may be extended by mutual consent of the parties. The affected parties shall be given at least 10 calendar days' notice for the hearing. Please see the USS Hearing Committee document in the University Staff Senate Bylaws.

The findings and recommendation of the USS Hearing Committee shall be reported, in writing, to the Chancellor. Recommendations may be:

A. Dismissal of the complaint
B. Other corrective action or resolution process

5. The Chancellor or designee may complete a further investigation of the allegations, and shall notify the affected parties, in writing, of the decision:

A. Support the University Staff Senate decision
B. Dismiss the complaint
C. Make an alternate final resolution of the complaint

6. Human Resources will maintain complaint records and evidence in confidential files, subject to open records law. Documents will not be placed in employee personnel files unless disciplinary action has occurred at which time a letter will be placed in the personnel file.

REVISION HISTORY

<table>
<thead>
<tr>
<th>Date</th>
<th>Revision Details</th>
</tr>
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<tbody>
<tr>
<td>04/12/2017</td>
<td>Draft 5 Brought to USS Chair</td>
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<tr>
<td>07/20/2017</td>
<td>Reformatted to be consistent with policy format</td>
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<tr>
<td>01/28/2019</td>
<td>Revisions from Restructuring with Access Campuses</td>
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<tr>
<td>02/11/2019</td>
<td>Revisions from HR, EOEAA</td>
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<td>03/07/2019</td>
<td>Revisions from System Legal</td>
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<td>05/16/2019</td>
<td>Senate of Academic Staff</td>
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<tr>
<td>09/18/2019</td>
<td>Oshkosh Student Association Senate</td>
</tr>
<tr>
<td></td>
<td>Chancellor</td>
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APPROVED BY

Chancellor Andrew Leavitt  

12/17/2019
### Appendix #1

**Today’s date:**

**CONTACT INFORMATION**

<table>
<thead>
<tr>
<th>Your name:</th>
<th></th>
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<tbody>
<tr>
<td>Your department:</td>
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<tr>
<td><em>(If UW Oshkosh employee)</em></td>
<td></td>
</tr>
<tr>
<td>Email address:</td>
<td></td>
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<tr>
<td>Phone number:</td>
<td></td>
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</table>

**COMPLAINT DETAILS**

| University Staff member’s name: |  |
| *(person about whom the complaint is filed)* |  |
| Date of Incident:               |  |
| Location of Incident:           |  |
| Description of Incident:        | *(Provide as much detail as possible. Include witness information and other supporting documentation. Items may be attached.)* |

**FOR HR USE ONLY**

| Received Date: |  |
| Received By:   |  |
| Action Taken:  |  |
| Date Resolved: |  |
| Empl ID(s):    |  |
| Department/Program: |  |
| College/Division: |  |
University Staff Complaint Procedure Flowchart

INCIDENT

HUMAN RESOURCES

POSSIBLE ACTIONS
Complaint Dismissal
Informal Resolution
Office of Equal Opportunity, Equity and Affirmative Action Investigation
Disciplinary Action

DETERMINATION MADE COMPLAINT RESOLVED

DETERMINATION MADE APPEALED

UNIVERSITY STAFF SENATE
USS Hearing Committee Appointed by USS President

CHANCELLOR

FINAL DETERMINATION